REMARKS

Claims 1-24, 36-51, 87, and 88 are pending, with claims 1, 10, 17, 36, 39, 41, 47, and 87 being independent. Claims 25-35 and 52-86 have been canceled. Claims 87 and 88 have been added. Support for claims 87 and 88 can be found in the originally-filed specification at least at page 4, line 25 to page 5, line 6. No new matter has been added.

Applicant thanks the Examiner for indicating that claims 7-11, 17-21, 39, 42-45, and 47-51 recite allowable subject matter. Applicant has amended claim 10 to incorporate the features of originally-filed claim 1; claim 17 to incorporate the features of originally-filed claim 1; claim 39 to incorporate the features of originally-filed claim 36; and claim 47 to incorporate the features of originally-filed claim 41. By these amendments, it is believed that claims 10, 17, 39, and 47, along with their dependent claims [claims 11, 18-21, 40, 48-51], are in condition for allowance.

Applicant also thanks the Examiner for discussing the status of claims 37, 38, and 40 during the telephone conversation with the undersigned on August 12, 2005. During that conversation, the Examiner indicated that claims 37 and 38 should have been rejected over U.S. Patent No. 1,574,035 (Holtzman) and claim 40 should have been objected to as being dependent on a rejected claim. The Examiner indicated that a new office action would issue. To date, applicant has not received another office action.

Rejection based on Holtzman

Claims 1-4, 12-15, 23, 36, and 41 have been rejected as being anticipated by U.S. Patent No. 1,574,035 (Holtzman).

Independent claim 1 recites a toy including a body, a wheel region coupled to the body, a back region coupled to the body, and an actuation system within the body. The wheel region rotates about a wheel axis and is coupled to the body such that the body moves along a moving direction as the wheel region rotates about the wheel axis. The actuation system is coupled to the back region to oscillate the back region about a back axis that is perpendicular to the wheel axis and that is parallel to the moving direction as the wheel region rotates.

Applicant requests withdrawal of the rejection of claim 1 because Holtzman does not describe or suggest oscillation of a back region about a back axis that is perpendicular to a wheel axis and that is parallel to a moving direction of the body to which the back region is coupled. Holtzman relates to a toy mouse having a body portion A, a head B attached to the body portion A, and a tail C attached to the body portion A. See Holtzman at page 1, lines 38-41 and Figs. 1 and 2. As the body portion A moves forward, the head B pivots about a pivot 40 and the tail C pivots about a pivot 81. See Holtzman at page 1, lines 46-59, 101-102; page 2, lines 62-68; and Figs. 3-5.

However, neither the head B nor the tail C oscillates about an axis that is parallel to the direction in which the body portion A moves. Rather, the head B and the tail C oscillate about the pivots 40 and 81, which define axes that are perpendicular to the direction in which the body portion A moves. See Holtzman at Fig. 1. For at least this reason, claim 1 is allowable over Holtzman.

Claims 2-4, 12-15, and 23 depend from claim 1 and are allowable for at least the reasons that claim 1 is allowable and for containing allowable subject matter in their own right. For example, claim 14 recites that the back region includes a back panel and cylindrical projections that extend from side surfaces of the back panel. Holtzman does not describe or suggest such cylindrical projections extending from the side surface of a back panel of the head B or the tail C.

Independent claim 36 recites a method of moving a toy. The method includes rotating a wheel attached to a body of the toy about a wheel axis to cause the body of the toy to move. The method also includes rotating a steering bar fixed to a first portion of the body about a pivoting axis that is perpendicular to the wheel axis. The steering bar is linked with a hinge device that is fixed to a second portion of the body such that the first portion of the body is pivoted relative to the second portion of the body about the pivoting axis while the steering bar is rotated and while the body of the toy moves in a direction perpendicular to the wheel axis and the pivoting axis due to rotation of the wheel.

Applicant requests withdrawal of the rejection of claim 36 because Holtzman does not describe or suggest rotating a steering bar fixed to a first portion of a body about a pivoting axis that is perpendicular to a wheel axis and linking the steering bar with a hinge device that is fixed to a second portion of the body such that the first body portion is pivoted relative to the second body portion. In Holtzman, the only devices within the body portion A that link to a device that is fixed to the head B are the shaft 72 and the arm 88. See Holtzman at Figs. 1 and 2. However, the shaft 72 and the arm 88 are movable relative to the body portion A and thus cannot be considered fixed to the body portion A. See Holtzman at page 2, lines 7-11 and 54. Moreover, while hangers 68 and 70 are fixed to the body portion A, neither of the hangers 68 and 70 is linked with a hinge device that is fixed to the head B. Rather, the hangers 68 and 70 are linked through the bearings 69 and 71 to the bevel gears 74 and 42, neither of which is fixed to the head B. See Holtzman at page 1, lines 91-100 and Figs. 1 and 2. For at least this reason, claim 36 is allowable over Holtzman.

Independent claim 41 recites a toy including a body having a first body portion and a second body portion, a wheel attached to the body of the toy, and an actuation system within the body. The wheel is able to rotate about a wheel axis to cause the body of the toy to move in a direction perpendicular to the wheel axis. The actuation system includes a steering bar fixed to the first body portion, a hinge device fixed to the second body portion. The actuation system also includes a linkage rotatably connected to the steering bar and to the hinge device such that as the steering bar is rotated about a pivoting axis that is perpendicular to the wheel axis and the direction of the toy, the first body portion is caused to rotate relative to the second body portion about the pivoting axis.

Applicant requests withdrawal of the rejection of claim 41 because, as discussed above with respect to claim 36, Holtzman does not describe or suggest a linkage rotatably connected to a steering bar that is fixed to a first portion of a body and to a hinge device that is fixed to a first body portion such that the first body portion is caused to rotate relative to the second body portion as the steering bar is rotated about a pivoting axis that is perpendicular to a wheel axis. Accordingly, claim 41 is allowable over Holtzman.

Rejection based on Mullaney

Claims 1, 2, 41, and 46 have been rejected as being anticipated by U.S. Patent No. 6,461,218 (Mullaney).

Applicant requests withdrawal of the rejection of claim 1 because Mullaney does not describe or suggest oscillation of a back region about a back axis that is perpendicular to a wheel axis and that is parallel to a moving direction of the body to which the back region is coupled. Mullaney relates to a toy snake having a front end 12a, a rear end 12b, a wheel 14 extending from the rear end 12b, and a tail 18 coupled with the rear end 12b. See Mullaney at col. 2, lines 1-9 and Fig. 1. As the wheel 14 is rotated, the snake moves backward along the direction perpendicular to the wheel axis, and the tail 18 rotates about the pivoting axis 31. See Mullaney at col. 2, lines 17-25 and Figs. 1-3.

However, the tail 18 does not oscillate about an axis that is parallel to the direction in which the snake moves. Rather, the tail 18 rotates about the pivoting axis 31, which is perpendicular to the direction in which the snake moves. See Mullaney at col. 2, lines 29-39 and Figs. 1-3. For at least this reason, claim 1 is allowable over Mullaney. Claim 2 depends from claim 1 and is allowable for at least the reasons that claim 1 is allowable.

Applicant requests withdrawal of the rejection of claim 41 because Mullaney does not describe or suggest a linkage rotatably connected to a steering bar that is fixed to a first portion of a body and to a hinge device that is fixed to a first body portion such that the first body portion is caused to rotate relative to the second body portion as the steering bar is rotated about a pivoting axis that is perpendicular to a wheel axis. In Mullaney, the components involved in rotation of the tail 18 relative to the rear end 12b of the toy snake are all movable relative to the tail 18 and the rear end 12b. In particular, the gear segment 88, the rack 86, and the pin 106 are all movable relative to the tail 18 and the rear end 12b. See Mullaney at col. 3, line 66 to col. 4, line 21 and Figs. 5 and 6. For at least this reason, claim 41 is allowable over Mullaney. Claim 46 depends from claim 41 and is allowable for at least the reasons that claim 41 is allowable.

Rejection based on Takahashi

Claims 1, 5, 6, 16, and 22 have been rejected as being anticipated by U.S. Patent No. 4,810,226 (Takahashi). Applicant requests withdrawal of this rejection because Takahashi fails to describe or suggest oscillation of a back region about a back axis that is perpendicular to a wheel axis and that is parallel to a moving direction of the body to which the back region is coupled. Takahashi relates to a toy pig having a body frame 2 and a tail frame 5 connected to the body frame 2. See Takahashi at col. 3, lines 52-55 and Figs. 1 and 6. The body frame 2 includes various internal actuating devices that cause the body frame 2 to move in a forward direction. See Takahashi at col. 6, lines 21-51 and Fig. 6. As the body frame 2 is moved in the forward direction, the tail frame 5 is caused to rotate about an axis that extends along the rotary member 91. See Takahashi at col. 7, lines 14-20 and Figs. 5 and 6.

However, the tail frame 5 does not oscillate about an axis that is parallel to the direction in which the body frame 2 moves. Rather, the tail frame 5 rotates about the axis extending along the rotary member 61, which is perpendicular to the direction in which the body frame 2 moves. See Takahashi at col. 7, lines 18-20 and Figs. 5 and 6. For at least this reason, claim 1 is allowable over Takahashi. Claims 5, 6, 16, and 22 depend from claim 1 and are allowable for at least the reasons that claim 1 is allowable.

Rejection based on Holtzman and Summerville

Claim 24 has been rejected as being obvious over Holtzman in view of U.S. Patent No. 4,822,285 (Summerville). Claim 24 depends from claim 1, which was rejected as being anticipated by Holtzman. Summerville fails to cure the deficiencies of Holtzman to describe or suggest oscillation of a back region about a back axis that is perpendicular to a wheel axis and that is parallel to a moving direction of the body to which the back region is coupled. In Summerville, the body portion 12 does not include any moving parts and thus cannot include oscillation of a back region. For this reason, claim 1 is allowable over any possible combination of Holtzman and Summerville, and claim 24 is allowable for at least the reasons that claim 1 is allowable.

New claims 87 and 88

Independent claim 87 includes all of the features of originally-filed claim 41 and the additional feature presented in claim 43, that is, the determination of a location of the first body portion relative to the second body portion. It would appear that because the Examiner indicated that claim 43 recites allowable subject matter, claim 87 likely also recites allowable subject matter. For at least this reason, applicant requests allowance of claim 87.

Claim 88 depends from claim 87 and further includes features presented in claim 42, that is, a wiper contact housed in the first body portion, and a set of conductive wipers housed in the second body portion. Because the Examiner indicated that claim 42 recites allowable subject matter, it is believed that claim 88 also recites allowable subject matter. For at least this reason, applicant requests allowance of claim 88.

It is believed that no fee is due. Nevertheless, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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